

U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-03067-GMS

Rojas v. Federal Aviation Administration et al
Assigned to: Chief Judge G Murray Snow
Cause: 05:552 Freedom of Information Act

Date Filed: 09/09/2016
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Jorge Alejandro Rojas

represented by **Michael William Pearson**
Curry Pearson & Wooten PLC
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Federal Aviation Administration

represented by **Paul Arthur Bullis**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**United States Department of
Transportation**
named as Department of Transportation

represented by **Paul Arthur Bullis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 09/09/2016 | <u>1</u> | COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13378328 filed by Jorge Alejandro Rojas. (submitted by Michael Pearson) (Attachments: # <u>1</u> Exhibits 1-4, # <u>2</u> Exhibit 5, # <u>3</u> Exhibits 6-41, # <u>4</u> Civil Cover Sheet)(REW) (Entered: 09/12/2016) |
| 09/09/2016 | <u>2</u> | SUMMONS Submitted by Jorge Alejandro Rojas. (submitted by Michael Pearson) (Attachments: # <u>1</u> Summons)(REW) (Entered: 09/12/2016) |
| 09/09/2016 | <u>3</u> | Filing fee paid, receipt number 0970-13378328. This case has been assigned to the Honorable Bridget S Bade. All future pleadings or documents should bear the correct case number: CV 16-3067-PHX-BSB. Magistrate Election form attached. (Attachments: # <u>1</u> Instructions)(REW) (Entered: 09/12/2016) |
| 09/12/2016 | <u>4</u> | Summons Issued as to Federal Aviation Administration, Department of Transportation. (Attachments: # <u>1</u> Summons)(REW). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 09/12/2016) |

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| 09/15/2016 | <u>5</u> | *Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) *Modified on 9/16/2016 to Correct text from Agreement to Magistrate Judge to Election to District Judge; NEF regenerated (MAP)/(SCH). (Entered: 09/15/2016) |
| 09/16/2016 | <u>6</u> | MINUTE ORDER: Pursuant to Local Rule 3.7(b), a request has been received for a random reassignment of this case to a District Judge. FURTHER ORDERED Case reassigned by random draw to Judge G. Murray Snow. All further pleadings/papers should now list the following COMPLETE case number: CV-16-3067-PHX-GMS. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 09/16/2016) |
| 09/16/2016 | <u>7</u> | ORDER directing the Clerk of Court to terminate any or all Defendants in this matter, without further notice, that have not been served within the time required by Fed. R. Civ. P. 4(m) on 12/9/2016. Signed by Judge G Murray Snow on 9/16/2016. (KFZ) (Entered: 09/16/2016) |
| 09/16/2016 | <u>8</u> | SCHEDULING ORDER (FOIA): See attached Order for deadlines and details. FURTHER ORDERED that Plaintiff shall serve Defendant(s) with a copy of this Order. Signed by Judge G Murray Snow on 9/16/2016. (KFZ) (Entered: 09/16/2016) |
| 10/10/2016 | <u>9</u> | SERVICE EXECUTED filed by Jorge Alejandro Rojas: Proof of Service re: Complaint, Summons & Magistrate Elec Form upon Federal Aviation Administration on 10/05/2016. (Pearson, Michael) (Entered: 10/10/2016) |
| 10/10/2016 | <u>10</u> | SERVICE EXECUTED filed by Jorge Alejandro Rojas: Proof of Service re: Complaint, Summons & Magistrate Elec Form upon Department of Transportation on 9/19/2016. (Pearson, Michael) (Entered: 10/10/2016) |
| 10/17/2016 | <u>11</u> | ANSWER to <u>1</u> Complaint by Federal Aviation Administration, United States Department of Transportation.(Bullis, Paul) (Entered: 10/17/2016) |
| 03/09/2017 | <u>12</u> | MOTION for Summary Judgment by Federal Aviation Administration, United States Department of Transportation. (Bullis, Paul) (Entered: 03/09/2017) |
| 03/09/2017 | <u>13</u> | STATEMENT OF FACTS re: <u>12</u> Motion for Summary Judgment by Defendants Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Bullis, Paul) *Modified linkage on 3/10/2017 (DXD). (Entered: 03/09/2017) |
| 03/10/2017 | <u>14</u> | NOTICE re: Filing Signed Declaration by Federal Aviation Administration, United States Department of Transportation re: <u>13</u> Statement of Facts . (Attachments: # <u>1</u> Exhibit)(Bullis, Paul) (Entered: 03/10/2017) |
| 04/04/2017 | <u>15</u> | MOTION (Stipulated) to Enlarge Page Requirement for Plaintiff's Response to Defendants' Motion for Summary Judgment by Jorge Alejandro Rojas. (Attachments: # <u>1</u> Text of Proposed Order)(Pearson, Michael) (Entered: 04/04/2017) |
| 04/04/2017 | <u>16</u> | IT IS HEREBY ORDERED granting <u>15</u> the Stipulated Motion to Enlarge Page Requirement for Plaintiff's Response to Defendant's Motion for Summary Judgment by 3 pages, up to 20 pages. Ordered by Judge G. Murray Snow.(GMS, ag)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 04/04/2017) |
| 04/10/2017 | <u>17</u> | RESPONSE to Motion re: <u>12</u> MOTION for Summary Judgment filed by Jorge Alejandro Rojas. (Pearson, Michael) (Entered: 04/10/2017) |
| 04/10/2017 | <u>18</u> | STATEMENT OF FACTS re: <u>17</u> Response to Motion for Summary Judgment by Plaintiff Jorge Alejandro Rojas. (Pearson, Michael) (Entered: 04/10/2017) |
| 04/21/2017 | <u>19</u> | First MOTION for Extension of Time to File Response/Reply by Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Text of Proposed Order)(Bullis, Paul) (Entered: 04/21/2017) |
| 04/21/2017 | <u>20</u> | ORDER granting Unopposed Motion for Extension of Time to File Reply to Response to Motion for Summary Judgment <u>19</u> . The deadline for filing Defendants' Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment <u>12</u> is extended to and including 5/15/2017. Signed by Judge G Murray Snow on 4/21/2017.(LMR) (Entered: 04/21/2017) |

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| 05/12/2017 | <u>21</u> | Second MOTION for Extension of Time to File Response/Reply as to <u>17</u> Response to Motion for Summary Judgment by Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Text of Proposed Order)(Bullis, Paul) (Entered: 05/12/2017) |
| 05/16/2017 | <u>22</u> | ORDER – IT IS HEREBY ORDERED granting the Motion <u>21</u> . The deadline for filing Defendants' reply in support of its Motion for Summary Judgment (Doc. <u>12</u>) shall be May 26, 2017. Signed by Judge G Murray Snow on 5/16/17.(SLQ) (Entered: 05/16/2017) |
| 05/26/2017 | <u>23</u> | REPLY to Response to Motion re: <u>12</u> MOTION for Summary Judgment filed by Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Exhibit)(Bullis, Paul) (Entered: 05/26/2017) |
| 06/26/2017 | <u>24</u> | * Joint MOTION for Leave to File SurReply to Defendants' Motion for Summary Judgment by Jorge Alejandro Rojas. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Pearson, Michael) * Modified to correct event; attorney noticed on 6/27/2017 (LAD). (Entered: 06/26/2017) |
| 06/27/2017 | <u>25</u> | IT IS HEREBY ORDERED denying <u>24</u> the Motion for Leave to File SurReply. The Court will disregard new matters raised for the first time by the government in its reply. Ordered by Judge G. Murray Snow. (GMS, ag) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 06/27/2017) |
| 12/04/2017 | <u>26</u> | ORDER – IT IS HEREBY ORDERED that the Motion for Summary Judgment (Doc. <u>12</u>) is granted in part and denied in part.... Status Hearing set for 1/5/2018 at 09:30 AM in Courtroom 602, 401 West Washington Street, Phoenix, AZ 85003 before Judge G Murray Snow. (See document for full details). Signed by Judge G Murray Snow on 12/4/17. (LAD) (Entered: 12/04/2017) |
| 01/05/2018 | <u>27</u> | MINUTE ENTRY for proceedings held before Judge G Murray Snow: Status Conference held on 1/5/2018. The FAA shall provide all documents by 2/16/2018. If the FAA has the agreement of plaintiff, they may redact documents that do not pertain to the information in which plaintiff is interested, but those documents must be provided by 2/16/2018. Plaintiff has until 2/23/2018 to inform the Court whether or not this action can be dismissed, whether or not enforcement action needs to be taken against the FAA, or other relief. APPEARANCES: Michael Pearson for Plaintiff, who is also present. Paul Bullis for Defendants. (Court Reporter Charlotte Powers.) Hearing held 9:37 AM to 9:53 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KFZ) (Entered: 01/05/2018) |
| 02/16/2018 | <u>28</u> | First MOTION for Extension of Time to Provide Documents to Plaintiff (Unopposed) by Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Text of Proposed Order)(Bullis, Paul) (Entered: 02/16/2018) |
| 02/21/2018 | <u>29</u> | ORDER: The Unopposed Motion for Extension of Time to Provide Documents to Plaintiff <u>28</u> is granted. The deadline for Defendants to provide documents to Plaintiff in response to FOIA Request 9570 pursuant to this Court's Order <u>27</u> , is extended until March 9, 2018. Defendants will provide Plaintiff, by March 9, 2018, with a declaration detailing and describing the search performed, along with an explanation of the reasons why records were identified as potentially responsive and then later found not responsive. IT IS FURTHER ORDERED that the deadline for Plaintiff to inform this Court whether this action may be dismissed is extended until March 16, 2018. Signed by Judge G Murray Snow on 2/21/2018. (REK) (Entered: 02/21/2018) |
| 03/16/2018 | <u>30</u> | STATUS REPORT by Jorge Alejandro Rojas. (Pearson, Michael) (Entered: 03/16/2018) |
| 03/21/2018 | <u>31</u> | ORDER setting a Status Conference for 4/6/2018 at 10:00 AM in Courtroom 602, 401 West Washington Street, Phoenix, AZ 85003 before Judge G Murray Snow. Signed by Judge G Murray Snow on 3/21/18. (EJA) (Entered: 03/21/2018) |
| 03/23/2018 | <u>32</u> | NOTICE of Errata re: <u>30</u> Report – Status by Plaintiff Jorge Alejandro Rojas.. (Pearson, Michael) (Entered: 03/23/2018) |

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| 03/30/2018 | <u>33</u> | *MOTION for Leave to File Motion for Summary Judgment, RESPONSE re: <u>30</u> Report – Status by Defendants Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibits 1–14: Declarations, # <u>3</u> Exhibit 15: Vaughn Index I, # <u>4</u> Exhibit 16: Vaughn Index II, # <u>5</u> Exhibit 17: March 29, 2018 Letter to Plaintiff, # <u>6</u> March 30, 2018 Letter to Plaintiff)(Bullis, Paul) *Modified to correct event on 4/2/2018 (REK). (Entered: 03/30/2018) |
| 04/03/2018 | <u>34</u> | RESPONSE to Motion re: <u>33</u> MOTION for Leave to File <i>Motion for Summary Judgment</i> filed by Jorge Alejandro Rojas. (Pearson, Michael) (Entered: 04/03/2018) |
| 04/04/2018 | <u>35</u> | LODGED PROPOSED DOCUMENT – Notice and Motion for Partial Summary Judgment and Statement of Facts by Federal Aviation Administration, United States Department of Transportation re: <u>33</u> MOTION for Leave to File . (Attachments: # <u>1</u> Motion for Partial Summary Judgment, # <u>2</u> Exhibit Index, # <u>3</u> Exhibit 1, Attachments A–F, # <u>4</u> Statement of Facts in Support of Motion for Partial Summary Judgment)(Bullis, Paul) Modified on 4/5/2018 (SLQ). (Entered: 04/04/2018) |
| 04/06/2018 | <u>36</u> | Additional Attachments to Main Document re: <u>33</u> MOTION for Leave to File by Defendants Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Supplemental Declaration of Harnetta R. Williams)(Bullis, Paul) (Entered: 04/06/2018) |
| 04/06/2018 | <u>37</u> | MINUTE ENTRY for proceedings held before Judge G Murray Snow: Status Conference held on 4/6/2018. FAA has 30 days to comply with supplemental disclosure of documents as set forth on the record. Plaintiff shall have 15 days thereafter to file a Motion for Order to Show Cause and Motion for Sanctions. APPEARANCES: Michael Pearson for Plaintiff, who is also present. Paul Bullis for Defendant. Russell Christensen is also present. (Court Reporter Charlotte Powers.) Hearing held 9:55 AM to 10:06 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KFZ) (Entered: 04/06/2018) |
| 04/11/2018 | <u>38</u> | TRANSCRIPT REQUEST by Federal Aviation Administration, United States Department of Transportation for proceedings held on April 6, 2018, Judge G Murray Snow hearing judge(s). (Bullis, Paul) (Entered: 04/11/2018) |
| 04/18/2018 | <u>39</u> | Pursuant to discussions at the status conference on April 6, 2018, IT IS ORDERED finding <u>33</u> the Motion for Leave to File moot. Ordered by Judge G. Murray Snow. (GMS, ag)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 04/18/2018) |
| 04/19/2018 | <u>40</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>STATUS CONFERENCE</i> proceedings held on 04/06/2018, before Judge G. Murray Snow. (Court Reporter: Charlotte A. Powers). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/10/2018. Redacted Transcript Deadline set for 5/21/2018. Release of Transcript Restriction set for 7/18/2018. (RAP) (Entered: 04/19/2018) |
| 05/07/2018 | <u>41</u> | NOTICE re: Supplemental Production as required by Court Order [Doc. 37] by Federal Aviation Administration, United States Department of Transportation re: <u>37</u> Status Conference,,, Common Prompts (Text Only),, . (Bullis, Paul) (Entered: 05/07/2018) |
| 05/22/2018 | <u>42</u> | *MOTION for Order to Show Cause, MOTION for Sanctions by Jorge Alejandro Rojas. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Pearson, Michael). *Added MOTION for Sanctions on 5/23/2018 (REK). (Entered: 05/22/2018) |
| 06/05/2018 | <u>43</u> | RESPONSE to Motion re: <u>42</u> MOTION for Order to Show Cause MOTION for Sanctions filed by Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Exhibit 1)(Bullis, Paul) (Entered: 06/05/2018) |
| 06/06/2018 | <u>44</u> | TRANSCRIPT REQUEST by Jorge Alejandro Rojas for proceedings held on 4/6/18, Judge G Murray Snow hearing judge(s). (Pearson, Michael) (Entered: 06/06/2018) |

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| 06/12/2018 | <u>45</u> | REPLY to Response to Motion re: <u>42</u> MOTION for Order to Show Cause MOTION for Sanctions filed by Jorge Alejandro Rojas. (Pearson, Michael) (Entered: 06/12/2018) |
| 08/14/2018 | <u>46</u> | JUDICIAL TRANSCRIPT REQUEST by Judge G. Murray Snow for Status Conference proceedings held on 01/05/2018, Judge G Murray Snow hearing judge(s). (RAP) (Entered: 08/14/2018) |
| 08/14/2018 | <u>47</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>STATUS CONFERENCE</i> proceedings held on 01/05/2018, before Judge G. Murray Snow. (Court Reporter: Charlotte A. Powers). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/4/2018. Redacted Transcript Deadline set for 9/14/2018. Release of Transcript Restriction set for 11/13/2018. (RAP) (Entered: 08/14/2018) |
| 08/15/2018 | <u>48</u> | ORDER granting <u>42</u> Motion for Order to Show Cause. Defendant FAA shall show cause why it should not be held in civil contempt for purported violations of this Court's Orders. FURTHER ORDERED Show Cause Hearing set for 8/24/2018 at 10:00 AM before Judge G Murray Snow. FURTHER ORDERED that the Parties must promptly meet and confer in good faith in an attempt to resolve the current disputes without judicial intervention. The Parties shall certify to the Court when they have done so and report on the outcome of such talks. If, after conferring, the necessity for a show-cause hearing becomes moot, the Court will vacate the August 24, 2018 hearing. See Order for Further Details. Signed by Judge G Murray Snow on 8/15/18. (MAP) (Entered: 08/15/2018) |
| 08/16/2018 | <u>49</u> | TRANSCRIPT REQUEST by Federal Aviation Administration, United States Department of Transportation for proceedings held on January 5, 2018, Judge G Murray Snow hearing judge(s). (Bullis, Paul) (Entered: 08/16/2018) |
| 08/16/2018 | <u>50</u> | TRANSCRIPT REQUEST by Jorge Alejandro Rojas for proceedings held on 1/5/18, Judge G Murray Snow hearing judge(s). (Pearson, Michael) (Entered: 08/16/2018) |
| 08/16/2018 | <u>52</u> | * <i>(DUPLICATE FILING OF OFFICIAL TRANSCRIPT AT DOC. 47)</i> – NOTICE OF FILING OF OFFICIAL TRANSCRIPT of <i>STATUS CONFERENCE</i> proceedings held on 01/05/2018, before Judge G. Murray Snow. (Court Reporter: Charlotte A. Powers). The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/6/2018. Redacted Transcript Deadline set for 9/17/2018. Release of Transcript Restriction set for 11/14/2018. (RAP) *Modified to reference duplication on 8/22/2018 (RAP). (Entered: 08/22/2018) |
| 08/21/2018 | <u>51</u> | MOTION to Continue Show Cause Hearing by Jorge Alejandro Rojas. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Pearson, Michael) (Entered: 08/21/2018) |
| 08/22/2018 | <u>53</u> | ORDER granting Plaintiff's <u>51</u> Motion to Continue Show Cause Hearing. Show Cause Hearing reset for 10/5/2018 at 10:00 AM in Courtroom 602, 401 West Washington Street, Phoenix, AZ 85003 before Judge G Murray Snow. IT IS FURTHER ORDERED that the Parties shall continue to confer in good faith in an attempt to resolve the current disputes without judicial intervention. The Parties shall report on the outcome of such talks by September 28, 2018. See document for complete details. Signed by Judge G Murray Snow on 8/22/2018. (ATD) (Entered: 08/22/2018) |
| 09/19/2018 | <u>54</u> | Joint MOTION to Continue Show Cause Hearing (Currently set for Oct. 5, 2018) by Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Text of Proposed Order)(Bullis, Paul) (Entered: 09/19/2018) |
| 09/19/2018 | <u>55</u> | ORDER granting <u>54</u> Motion to Continue Show Cause Hearing. The Show Cause Hearing currently set for October 5, 2018 is vacated and reset for October 26, 2018 at 10:00 a.m. The Parties shall report on the outcome of good faith talks to resolve the current disputes without judicial intervention (Doc. <u>53</u> by October 19, 2018. See document for complete details. Signed by Chief Judge G Murray Snow on 9/19/18. (MSA) (Entered: 09/19/2018) |

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| 10/19/2018 | <u>56</u> | STATUS REPORT (<i>Joint</i>) by Jorge Alejandro Rojas. (Pearson, Michael) (Entered: 10/19/2018) |
| 10/22/2018 | <u>57</u> | ORDER: The OSC Hearing currently set for October 26, 2018 is vacated. FURTHER ORDERED that the parties jointly file a Status Report on or before November 16, 2018. The Court shall thereafter determine whether Defendants must provide the list of individuals responsible for the withholding of documents and whether any further action will be required of them. Signed by Chief Judge G Murray Snow on 10/22/18. (EJA) (Entered: 10/22/2018) |
| 11/16/2018 | <u>58</u> | STATUS REPORT (<i>Joint</i>) by Jorge Alejandro Rojas. (Pearson, Michael) (Entered: 11/16/2018) |
| 11/20/2018 | <u>59</u> | ORDER re: <u>58</u> Joint Status Report – IT IS HEREBY ORDERED that the Defendants shall provide the supplemental productions in this matter by December 7, 2018. IT IS FURTHER ORDERED that the parties shall file a joint report regarding the remaining issues in this action by January 4, 2019. Signed by Chief Judge G Murray Snow on 11/20/18. (LAD) (Entered: 11/20/2018) |
| 12/26/2018 | <u>60</u> | MOTION to Stay <i>Due to Federal Government Shutdown</i> by Federal Aviation Administration, United States Department of Transportation. (Attachments: # <u>1</u> Text of Proposed Order)(Bullis, Paul) (Entered: 12/26/2018) |